

said district; providing for the completion by the judge of the Fifty-fourth Judicial District of such term of court as may be in session in said county as a part of said Fifty-fourth Judicial District at the time this act takes effect; providing for the appointment and tenure and fixing salary of a judge for said Eighty-first Judicial District; providing for the appointment of an official court reporter therefor; providing for the present district clerk of Falls county to be the clerk of the said Eighty-first District and continue to hold office for the term for which he was elected; providing for the trial and disposition by said Eighty-first district court of all business pending in said district court of Falls county at the time this act shall take effect, and for the return of all writs and process to and cognizance of all bonds and recognizances by said district court of Falls county as constituting the Eighty-first Judicial District, which shall have been issued, entered into or filed in connection with any business of said Falls county district court prior to the taking effect of this act; repealing that part of Section 3 of Chapter 3 of the General Laws enacted by the Regular Session of the Thirty-fourth Legislature which constituted Falls county a part of the Fifty-fourth Judicial District, and that part of Section 8 of said act wherein it provides for the holding of court in Falls county as a part of said Fifty-fourth Judicial District, as well as repealing all other laws and part of laws in conflict with this act, and declaring an emergency."

And find the same correctly engrossed.
RUSSELL, Chairman.

SIXTEENTH DAY.

(Saturday, January 27, 1917.)

The House met at 10 o'clock a. m., pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called, and the following members were present:

Bagby.	Blackmon.
Baker.	Blalock.
Beard of Harris.	Boner.
Beard of Milam.	Brown.
Beason.	Bryan.
Bedell.	Bryant.
Bell.	Burton of Rusk.
Bertram.	Burton of Tarrant.
Blackburn.	Butler.

Cadenhead.	O'Banion.
Canales.	O'Brien.
Carlock.	Osborne.
Clark.	Parks.
Cope.	Peddy.
Cox.	Peyton.
Crudgington.	Pillow.
Davis of Dallas.	Poage.
Davis of Grimes.	Pope.
Davis	Raiden.
of Van Zandt.	Reeves.
De Bogory.	Richards.
Denton.	Robertson.
Dodd.	Roemer.
Dudley.	Rogers.
Dunnam.	Russell.
Fisher.	Sackett.
Fitzpatrick.	Sallas.
Florer.	Sentell.
Fly.	Schlosshan.
Greenwood.	Seawright.
Haidusek.	Sholars.
Hardey.	Smith of Bastrop.
Harris.	Smith of Hopkins.
Hartman.	Smith of Scurry.
Hawkins.	Spencer of Nolan.
Holland.	Spencer of Wise.
Hudspeth.	Spradley.
Johnson.	Stewart.
Jones.	Strayhorn.
Laas.	Swope.
Lacey.	Taylor.
Laney.	Templeton.
Lange.	Thomas.
Lanier.	Thomason
Lee.	of El Paso.
Lindemann.	Thomason
Lowe	of Nacogdoches.
of McMullen.	Thompson.
Low	of Hunt.
of Washington.	Thompson
McComb.	of Red River.
McCoy.	Tillotson.
McDowra.	Tilson.
McFarland.	Traylor.
McMillin.	Tschoepe.
Martin.	Upchurch.
Meador.	Valentine.
Mendell.	Veatch.
Metcalfe.	Walker.
Miller of Austin.	White.
Monday.	Williams
Moore.	of Brazoria.
Morris.	Williford.
Murrell.	Wilson.
Neeley.	Woods.
Neill.	Yantis.
Nichols.	Absent.
	Williams
Terrell.	of McLennan.
	Absent—Excused.
Beasley.	Cates.
Bland.	Estes.
Bledsoe.	Fairchild.

Hill.	Scholl.
Miller of Dallas.	Tinner.
Nordhaus.	Wahrmund.
Schlesinger.	Woodul.

A quorum was announced present.
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Bland and Mr. Cates, for today, on motion of Mr. Fuller.

Mr. Tinner, indefinitely, on motion of Mr. Walker.

Mr. Miller of Dallas, for today, on motion of Mr. Johnson.

Mr. Bledsoe, for today, on motion of Mr. Swope.

Mr. Nordhaus, for today, on motion of Mr. Burton of Tarrant.

Mr. Schlesinger and Mr. Scholl, for today, on motion of Mr. Meador.

Mr. Wahrmund, for today, on motion of Mr. Miller of Austin.

Mr. Woodul, for today, on motion of Mr. Davis of Van Zandt.

Mr. Hill, for today, on motion of Mr. Bertram.

Mr. Fairchild, for today, on motion of Mr. Sholars.

Mr. Estes, for today, on motion of Mr. Lacey.

Mr. Beasley, indefinitely, on motion of Mr. Peyton.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Harris:

H. B. No. 484, A bill to be entitled "An Act to amend Article 7235, Chapter 6 of the Revised Civil Statutes of 1911, relating to the mode of preventing horses and certain other animals running at large in particular counties named, as amended by Chapter 72 of the General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, so as to include Terrell, Collingsworth, Clay, Dimmit, Gregg, Lamb, Nacogdoches, Matagorda, Tom Green, Lipscomb, Maverick and Zavala counties under the provisions of said article, and declaring an emergency."

Referred to Committee on Stock and Stock Raising.

By Mr. Williams of Brazoria:

H. B. No. 485, A bill to be entitled "An Act to amend Article 2444 of the Revised Civil Statutes so as to provide for a depository for money collected as taxes for the State, counties and the various districts, and other municipal subdivisions thereof, requiring tax collectors to deposit taxes in such depository; fixing penalty for failure to so deposit such taxes; relieving the tax collector and his sureties from liability, and defining 'county funds.'"

Referred to Committee on Revenue and Taxation.

By Mr. Swope, Mr. Holland, Mr. Fisher and Mr. Beard of Harris:

H. B. No. 486, A bill to be entitled "An Act to validate all sales of public free school lands which were purchased from the State and fully paid for and for which patents were signed by Governor J. S. Hogg on the twenty-second and on the twenty-third days of October, 1894, and on the thirtieth day of November, 1894, and declaring an emergency."

Referred to Committee on Public Lands and Land Office.

By Mr. Martin:

H. B. No. 487, A bill to be entitled "An Act to create a more efficient road system for Gillespie county, Texas, and making the commissioners of said county ex-officio road commissioners in their respective precincts, and prescribing their duties as such, and providing for the compensation of road commissioners, etc., and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Dudley:

H. B. No. 488, A bill to be entitled "An Act relating to the awarding of a change of venue in civil suits now pending or hereafter to be brought in any of the district courts of this State, wherein the district judge is interested or prejudiced, or is related to either party, or has been counsel in the cause, or where the opposite party or his counsel has an undue influence over the mind of the judge; providing when and when not, the change of venue shall be allowed; providing the duties of the clerk when said change of venue is made; and declaring an emergency."

Referred to Committee on Reforms in Civil Procedure.

By Mr. Holland:

H. B. No. 489, A bill to be entitled "An Act to provide for platting of streets, alleys, lots and blocks in subdivisions by owners or agents in or to all cities in the State of Texas of a population of five thousand or more to conform to streets, alleys and blocks abutting on or to the same; providing for filing same with city council, and to be approved by city and city engineer before recording by the county clerk in the county records; providing a penalty for violation of same."

Referred to Committee on Municipal Corporations.

By Mr. Bagby:

H. B. No. 490, A bill to be entitled "An Act to amend Article 3864, Chapter 3, Title 58 of the Revised Civil Statutes, passed by the Regular Session of the Thirty-second Legislature of the State of Texas, 1911, relating to sheriff's fees."

Referred to Committee on Reforms in Civil Procedure.

By Mr. Bagby:

H. B. No. 491, A bill to be entitled "An Act to amend subdivisions 1, 2, 6 and 7 of Article 1130, Chapter 2, Title 15 of the Revised Criminal Statutes of the State of Texas, passed by the Regular Session of the Thirty-second Legislature, 1911, relating to the fees allowed sheriffs and constables in all cases when the charge is a felony."

Referred to Committee on Reforms in Criminal Procedure.

By Mr. Dudley:

H. B. No. 492, A bill to be entitled "An Act to amend Chapter 13, Title 126 of the Revised Civil Statutes of the State of Texas, passed by the Regular Session of the Thirty-second Legislature, 1911, by adding thereto Article 7620a, relating to the duty of the commissioners court and county clerk to check up the account of the tax collector, and the failure to perform said duty, making the bondsmen of the commissioners court and county clerk liable, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Morris, Mr. Miller of Dallas, Mr. Beason and Mr. Bledsoe:

H. B. No. 493, A bill to be entitled "An Act to amend Chapter 15, Title 71 of the Revised Civil Statutes of this State by adding, following Article 4954, a new Article 4955, and providing in substance that all provisions of the laws of this

State applicable to life, fire, marine, inland, lightning or tornado insurance companies shall, so far as the same are applicable, govern and apply to all companies transacting any other kind of insurance business in this State, so far as they are not in conflict with the provisions of law made specially applicable thereto, and declaring an emergency."

Referred to Committee on Insurance.

By Mr. Carlock:

H. B. No. 494, A bill to be entitled "An Act amending Article 6695 of the Revised Statutes, 1911, conferring upon the Railroad Commission of Texas authority to require two or more railway companies whose lines enter the same city or town, under certain conditions, to join in the acquisition, construction and maintenance of union passenger depots, regulating the use of such powers, etc., so as to enlarge such powers and so as to regulate procedure in suits brought for the enforcement of such order or in suits brought to have such orders set aside, etc., and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Stewart (by request):

H. B. No. 495, A bill to be entitled "An Act creating the Kirbyville Independent School District in Jasper county, Texas, etc., and declaring an emergency."

Referred to Committee on Education.

By Mr. Bedell, Mr. Lee and Mr. Hill:

H. B. No. 496, A bill to be entitled "An Act to reorganize the Seventh Judicial District and prescribing the time of holding court in the counties composing said district, validating process, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. Beard of Milam:

H. B. No. 497, A bill to be entitled "An Act to amend Articles 2876, 2877, 2878, 2879 and 2880 of Chapter 17, Title 48 of the Revised Civil Statutes of the State of Texas, 1911 Revision, providing for the levy of taxes for the purpose of the maintenance of the schools in cities and towns which have heretofore or which may hereafter assume control of the schools within their limits, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Butler:

H. B. No. 498, A bill to be entitled "An Act to provide for the establishment

and maintenance of the State home for dependent and neglected children, to locate the same, and provide for its control and management, making appropriation for such purposes, and declaring an emergency."

Referred to Committee on Education.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Fisher it was ordered that House bill No. 463 be not printed.

On motion of Mr. De Bogory it was ordered that House bill No. 393 be not printed.

On motion of Mr. Stewart it was ordered that House bill No. 495 be not printed.

On motion of Mr. Spencer of Nolan it was ordered that House bill No. 432 be not printed.

On motion of Mr. Smith of Scurry it was ordered that House bill No. 478 be not printed.

On motion of Mr. Lowe of McMullen it was ordered that House bill No. 429 be not printed.

BILLS ORDERED PRINTED.

On motion of Mr. McCoy it was ordered that House bill No. 401, reported unfavorably, be printed.

On motion of Mr. Burton of Rusk it was ordered that House bill No. 114, reported unfavorably, be printed.

ADDITIONS TO STANDING COMMITTEES.

On motion of Mr. Thomason of Nacogdoches, by unanimous consent, Mr. Davis of Grimes, Mr. Meador and Mr. Yantis were added to the Committee on Education.

On motion of Mr. Davis of Grimes, by unanimous consent, Mr. Beason and Mr. Mendell were added to the Committee on Public Health.

BILL RE-REFERRED.

On motion of Mr. Carlock, House bill No. 458 was withdrawn from the Judiciary Committee and re-referred to the Committee on Reforms in Civil Procedure.

DECISION ON WEBB-KENYON BILL.

On motion of Mr. Crudginton, by unanimous consent, the following decision of the Supreme Court of the United States was ordered printed in the Journal:

Supreme Court of the United States.

Nos. 75 and 76.

October Term, 1916.

75. The James Clark Distilling Company, Appellant, vs. The Western Maryland Railway Company and the State of West Virginia.

76. The James Clark Distilling Company, Appellant, vs. The American Express Company and the State of West Virginia.

Appeals from the District Court of the United States for the District of Maryland.

January 8, 1917.

Mr. Chief Justice White delivered the opinion of the court.

To refer to the principal State law relating to these suits, to the pleadings and the decision of the court below will make the issues in these cases clear and point directly to the elements required to be considered in deciding them.

West Virginia in February, 1913, enacted a prohibition law to go into effect on July 1st of the following year. Code 1913, c. 32A. Putting out of view the right of druggists under stringent regulations provided by the statute to sell for medicinal purposes and the right otherwise to sell wine for sacramental and alcohol for scientific and manufacturing purposes, the law forbade "the manufacture, sale, keeping or storing for sale in this State, or offering or exposing for sale" intoxicating liquors, and the intoxicants embraced were comprehensively defined. The statute contained many restrictions concerning hotels, restaurants, clubs and so-called associations where liquor was kept and served either as a result of membership or by gift or otherwise, which were evidently intended to prevent the frustration of the prohibitions against the keeping of intoxicants for sale and purchase by subterfuge in the guise of the exercise of an individual right. There was no express prohibition against the individual right to use intoxicants and none implied unless that result arose (a) from the prohibition in universal terms of all sales and purchases of liquor with the State, (b) from the clause providing that every delivery made in the State by a common or other carrier of the prohibited intoxicants should be considered as a consummation of a sale made in the State at the point of delivery, and (c) from the prohibitions which the statute contained against solicitations made to induce purchases of liquor and against the publication in the State of all circulars, adver-

tisements, price lists, etc., which might tend to stimulate purchases of liquor.

Under this statute and in reliance upon the provisions of the Act of Congress known as the Webb-Kenyon Law (Act of Congress of March 1, 1913, 37 Stat., 699) the State of West Virginia in one of its courts sued the Western Maryland Railroad Company and the Adams Express Company to enjoin them from carrying from Maryland into West Virginia liquor in violation of law. In substance it was charged that very many shipments had been taken by the carriers contrary to the law both as to solicitations and as to the use for which the liquor was intended. Preliminary injunctions were issued restraining the carrying of liquor into the State subject to many conditions as to investigation, etc., etc. With these injunctions in force, these suits were commenced by the Clark Distilling Company to compel the carriers to take a shipment of liquor which it was asserted was ordered for personal use and deliver it in West Virginia, on the ground that the Act of Congress to Regulate Commerce imposed the duty to receive and carry and that besides the West Virginia prohibition law when rightly construed did not forbid it. The carriers, not challenging the asserted meaning of the West Virginia law, set up the injunctions and averred that to receive and carry the liquor would violate their provisions and therefore there was no duty under the United States law to do so. West Virginia intervened in the suits, relying upon the State law and the injunctions which had been issued. At the trial it was shown that the plaintiff distilling company had systematically solicited purchases and constantly shipped liquor from Maryland into West Virginia in violation of the prohibition law. The court held that the West Virginia law did not prohibit personal use, and did not forbid shipments for such use and that as there was no State prohibition, the Webb-Kenyon Law had no application, and that as the solicitations forbidden by the State statute were solicitations to do that which was forbidden, that consideration was irrelevant. The construction of the statute made by the State court was held not authoritatively binding, as that court was not one of last resort, and the right to practically modify the injunctions was declared to

exist because West Virginia by making herself a party to the suits had submitted herself to the jurisdiction of the court. All questions concerning the power of the State of West Virginia to pass the prohibition law if it meant otherwise, and of the right of Congress to adopt the Webb-Kenyon Act under a like hypothesis, were reserved. 219 Fed. Rep., 333. Before the decrees entered became final the Circuit Court of Appeals for the Fourth Circuit in a case pending before it (West Virginia vs. Adams Express Company, 219 Fed. Rep., 794) decided directly to the contrary. It held that the law of West Virginia did prohibit shipments for personal use; that it did forbid solicitations therefor for such purchases; that by operation of the Webb-Kenyon Act there was no longer a right to ship liquor into the State in violation of its laws; and that both the State law and the Webb-Kenyon Act were constitutional. Controlled by such decisions, the trial court recalled its opinion, heard a re-argument, and, although not changing its view, accepted and gave effect to the conclusions reached by the Circuit Court of Appeals because they were deemed to be authoritative, and the cases were brought directly here, because of the constitutional questions, to review such action.

The issues to be decided may be embraced in four propositions which we proceed separately to consider.

1. The correct meaning of the West Virginia law as to the subjects in dispute.

The difference as to the meaning of the statute in the court below was whether or not the West Virginia law prohibited the receipt of liquor for personal use; and if it did, whether or not the prohibitions of the law equally applied to shipments from outside and to those originating in the State. But the possibility of dispute over these subjects no longer exists because after the decision below and since the cases were first argued (for they have been here argued twice) the State of West Virginia amended the statute so as to leave no room for doubt that it does forbid all shipments, whether for personal use or otherwise, and whether from within or without the State. The pertinent provisions of the amendments are placed in the margin.* As the re-

*"Sec. 7. It shall be unlawful for any person to keep or have, for personal use or otherwise, or to use, or permit another to have, keep or use, intoxicat-

ing liquors at any restaurant, store, office building, club, place where soft drinks are sold (except a drug store may have and sell alcohol and wine as

lief sought is the permanent right to ship in the future, the meaning of the statute now, that is, as amended, is the test by which we must consider the questions requiring solution. Indeed, this is frankly admitted by the parties since it is unequivocally declared that the question is the operation and effect of the statute as amended and its constitutionality. We therefore come to the second question, which is:

2. The power of the State to enact the prohibition law consistently with the due process clause of the Fourteenth Amendment and the exclusive power of Congress to regulate commerce among the several States.

That government can, consistently with the due process clause, forbid the manufacture and sale of liquor and regulate its traffic, is not open to controversy; and that there goes along with this power full police authority to make it effective, is also not open. Whether the general authority includes the right to forbid individual use, we need not consider, since clearly there would be power, as an incident to the right to forbid manufacture and sale, to restrict the means by which intoxicants for personal use could be obtained, even if such use was permitted. This being true, there can be no doubt

that the West Virginia prohibition law did not offend against the due process clause of the Fourteenth Amendment.

But that it was a direct burden upon interstate commerce and conflicted with the power of Congress to regulate commerce among the several States, and therefore could not be used to prevent interstate shipments from Maryland into West Virginia, has been not open to question since the decision in *Leisy vs. Hardin*, 135 U. S., 100. And this brings us to consider whether the Webb-Kenyon Law has so regulated interstate commerce as to give the State the power to do what it did in enacting the prohibition law and cause its provisions to be applicable to shipments in intoxicants in interstate commerce, thus saving that law from repugnancy to the Constitution of the United States, which is the third proposition for consideration.

3. Assuming the constitutionality of the Webb-Kenyon Act, what is its true meaning and its operation upon the prohibitions contained in the West Virginia law?

Omitting words irrelevant to the subject now under consideration, the title and text of the Webb-Kenyon Act are as follows:

"An Act divesting intoxicating liq-

provided by sections four and twenty-four), fruit stand, news stand, room, or place where bowling alleys, billiard or pool tables are maintained, livery stable, boat house, public building, park, road, street or alley. It shall also be unlawful for any person to give or furnish to another intoxicating liquors, except as otherwise hereinafter provided in this section. Any one violating this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars, nor more than five hundred dollars, and be imprisoned in the county jail not less than two nor more than six months; provided, however, that nothing contained in this section shall prevent one, in his home, from having and there giving to another intoxicating liquors when such having or giving is in no way a shift, scheme or device to evade the provisions of this act; but the word 'home,' as used herein, shall not be construed to be one's club, place of common resort, or room of a transient guest in a hotel or boarding house. And, provided, further, that no common carrier, for hire, nor other

person, for hire or without hire, shall bring or carry into this State, or carry from one place to another within the State, intoxicating liquors for another, even when intended for personal use; except a common carrier may, for hire, carry pure grain alcohol and wine, and such preparations as may be sold by druggists for the special purposes and in the manner as set forth in sections four and twenty-four; and, provided, further, however, that in case of search and seizure, the finding of any liquors shall be prima facie evidence that the same are being kept and stored for unlawful purposes."

"Sec. 34. It shall be unlawful for any person in this State to receive, directly or indirectly, intoxicating liquors from a common, or other carrier. It shall also be unlawful for any person in this State to possess intoxicating liquors, received directly or indirectly from a common, or other carrier in this State. This section shall apply to such liquors intended for personal use, as well as otherwise, and to interstate, as well as intrastate, shipments or carriage. Any person violating this section shall

nors of their interstate character in certain cases.

"* * * That the shipment or transportation, in any manner or by any means whatsoever, of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, from one State, Territory, or District of the United States, * * * into any other State, Territory, or District of the United States, * * * which said spirituous, vinous, malted, fermented, or other intoxicating liquors is intended, by any person interested therein, to be received, possessed, sold, or in any manner used, either in the original package or otherwise, in violation of any law of such State, Territory, or District of the United States * * * is hereby prohibited."

As the State law forbade the shipment into or transportation of liquor in the State whether from inside or out, and all receipt and possession of liquor so transported without regard to the use to which the liquor was to be put, and as the Webb-Kenyon Act prohibited the transportation in interstate commerce of all liquor "intended to be received, possessed, sold or in any manner used, either in the original package or otherwise, in violation of any law of such State," there would seem to be no room for doubt that the prohibitions of the State law were made applicable by the Webb-Kenyon Law. If that law was valid, therefore, the State law was not repugnant to the commerce clause. It is insisted that this view gives too wide an effect to the Webb-Kenyon Law since that act was only intended to include State prohibitions in so far as they forbade the shipment, receipt and possession of liquor for a forbidden use, and hence as individual use was not forbidden by the State law, the shipment, receipt and possession for such use was not embraced by the Webb-Kenyon Act and the State law, so far as it was outside of that act, was repugnant to the commerce clause. This is sought to be supported by the his-

be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars nor more than two hundred dollars, and in addition thereto may be imprisoned not more than three months; provided, however, that druggists may receive and possess pure grain alcohol, wine and such preparations as may be sold by druggists for the special purpose and in the man-

torial environment of the Webb-Kenyon Act as evidenced by the debates on its passage and by a decision of this court, as well as decisions of State courts (which are in the margin*) which, it is insisted, have so construed that act.

Assuming, for the sake of argument only, that the debates may be resorted to for the purpose of showing environment, we are of opinion they clearly establish a result directly contrary to that which they are cited to maintain. Undoubtedly they show that it was insisted the act was not intended to interfere with personal use, as of course it was not, since its only purpose was to give effect to State prohibitions, not to compel the States to prohibit personal use. Indeed, the meaning which it is sought to affix to the Webb-Kenyon Act, if accepted, would cause that act to have the effect of compelling the States to prohibit personal use, since if all the prohibitions of State laws against manufacture, sale, receipt and possession of intoxicants remained subject to the danger of indirect violation by permitting shipment, receipt and possession for personal use, it would follow that a necessary and immediate incentive was imposed upon the States by the Webb-Kenyon Act to enact a provision against personal use.

The antecedents of the Webb-Kenyon Act; that is, its legislative and judicial progenitors, leave no room for the contention made. To correct the great evil which was asserted to arise from the right to ship liquor into a State through the channels of interstate commerce and there receive and sell the same in the original package in violation of State prohibitions, was indisputably the purpose which led to the enactment of the Wilson Law (Act of Congress of August 8, 1890, 26 Stat. 313) forbidding the sale of liquor in a State in the original package even although brought in through interstate commerce when the existing or future State laws forbade sale of intoxicants. And this was recognized by the long

ner as set forth in sections four and twenty-four."

*Van Winkle vs. State, 27 Delaware, 578; Adams Express Co. vs. Commonwealth, 154 Kentucky, 462; Adams Express Co. vs. Commonwealth, 160 Kentucky, 66; Palmer vs. Southern Express Co., 129 Tennessee, 116; Ex parte Peede, 170 S. W. (Texas Crim. App.), 749.

line of decisions (a few of the leading cases are in the margin*) which upheld that law and pointed out that it permitted the State prohibitions to take away from interstate commerce shipments a right which they otherwise would have embraced; that is, the right to sell after receipt in the original package, any State law to the contrary notwithstanding. At the same time it was recognized, however, that as the right to receive liquor was not affected by the Wilson Act, such receipt and the possession following from it and the resulting right to use remained protected by the commerce clause even in a State where what is known as the dispensary system prevailed. *Vance vs. Vandercook*, 170 U. S., 438. Reading the Webb-Kenyon Law in the light thus thrown upon it by the Wilson Act and the decisions of this court which sustained and applied it, there is no room for doubt that it was enacted simply to extend that which was done by the Wilson Act; that is to say, its purpose was to prevent the immunity characteristic of interstate commerce from being used to permit the receipt of liquor through such commerce in States contrary to their laws; and thus in effect afford a means by subterfuge and indirection to set such laws at naught. In this light it is clear that the Webb-Kenyon Act, if effect is to be given to its text, but operated so as to cause the prohibitions of the West Virginia law against shipment, receipt and possession to be applicable and controlling irrespective of whether the State law did or did not prohibit the individual use of liquor. That such also was the embodied spirit of the Webb-Kenyon Act plainly appears since if that be not true, the coming into being of the act is wholly inexplicable.

The case in this court relied upon to establish the contrary (*Adams Express Company vs. Kentucky*, 238 U. S., 190) clearly does not do so. All that was decided in that case was that as the court of last resort of Kentucky into which liquor had been shipped had held that the State statute did not forbid shipment and receipt of liquor for personal use, therefore the Webb-Kenyon Act did not apply, since it only applied to things which the State law prohibited. The leading State case cited is

Van Winkle vs. State, 27 Delaware, 578. It is true in that case the State law prohibited shipment to and receipt of intoxicants in local option territory, and if the Webb-Kenyon Law had been applied, there would have been no possible ground for claiming that the State prohibitions could be escaped because the liquor was shipped in interstate commerce. But the shipment was held to be protected as interstate commerce despite the State prohibition because the Webb-Kenyon Law was not correctly applied, for the following reason: Coming to consider the text of that law, the court said that as the Webb-Kenyon Act prohibited the shipment of intoxicants "only when liquor is intended to be used in violation of the law of the State," and as the liquor shipped was intended for personal use, which was not forbidden, therefore the shipment, although prohibited by the State law, was beyond the reach of the Webb-Kenyon Act. But we see no ground for following the ruling thus made since, as we have already pointed out, it necessarily rested upon an entire misconception of the text of the Webb-Kenyon Act, because that act did not simply forbid the introduction of liquor into a State for a prohibited use, but took the protection of interstate commerce away from all receipt and possession of liquor prohibited by State law.

The movement of liquor in interstate commerce and the receipt and possession and right to sell prohibited by the State law having been in express terms divested by the Webb-Kenyon Act of their interstate commerce character; it follows that if that act was within the power of Congress to adopt, there is no possible reason for holding that to enforce the prohibitions of the State law would conflict with the commerce clause of the Constitution; and this brings us to the last question, which is:

4. Did Congress have power to enact the Webb-Kenyon Law?

We are not unmindful that opinions adverse to the power of Congress to enact the law were formed and expressed in other departments of the government. Opinion of the Attorney General, 30 Op. A. G., 88; Veto Message of the President, 49 Cong. Rec., 4291. We are additionally conscious, therefore, of the responsibility of determining these issues and of their serious character.

*In re Rahrer, 140 U. S., 545, Rhodes vs. Iowa, 170 U. S., 412; American Express Co. vs. Iowa, 196 U. S., 133;

Pabst Brewing Co. vs. Crenshaw, 198 U. S., 17; Rosenberger vs. Pacific Express Co., 241 U. S., 48.

It is not in the slightest degree disputed that if Congress had prohibited the shipment of all intoxicants in the channels of interstate commerce and therefore had prevented all movement between the several States, such action would have been lawful because within the power to regulate which the Constitution conferred. *Lottery Case*, 188 U. S., 321; *Hoke vs. United States*, 227 U. S., 308. The issue, therefore, is not one of an absence of authority to accomplish in substance a more extended result than that brought about by the Webb-Kenyon Law, but of a want of power to reach the result accomplished because of the method resorted to for that purpose. This is certain since the sole claim is that the act was not within the power given to Congress to regulate because it submitted liquors to the control of the States by subjecting interstate commerce in such liquors to present and future State prohibitions, and hence in the nature of things was wanting in uniformity. Let us test the contentions by reason and authority.

The power conferred is to regulate, and the very terms of the grant would seem to repel the contention that only prohibition of movement in interstate commerce was embraced. And the cogency of this is manifest since if the doctrine were applied to those manifold and important subjects of interstate commerce as to which Congress from the beginning has regulated, not prohibited, the existence of government under the Constitution would be no longer possible.

The argument as to delegation to the States rests upon a mere misconception. It is true the regulation which the Webb-Kenyon Act contains permits State prohibitions to apply to movements of liquor from one State into another, but the will which causes the prohibitions to be applicable is that of Congress, since the application of State prohibitions would cease the instant the act of Congress ceased to apply. In fact the contention previously made that the prohibitions of the State law were not applicable to the extent that they were broader than the Webb-Kenyon Act is in direct conflict with the proposition as to delegation now made.

So far as uniformity is concerned, there is no question that the act uniformly applies to the conditions which call its provisions into play—that its provisions apply to all the States—so that the question really is a complaint as to the want of uniform existence of things to which the act applies and not to an absence of uniformity in the act

itself. But aside from this it is obvious that the argument seeks to engraft upon the Constitution a restriction not found in it, that is, that the power to regulate conferred upon Congress obtains subject to the requirement that regulations enacted shall be uniform throughout the United States. In view of the conceded power on the part of Congress to prohibit the movement of intoxicants in interstate commerce, we can not admit that because it did not exert its authority to the full limit, but simply regulated to the extent of permitting the prohibitions in one State to prevent the use of interstate commerce to ship liquor from another State, Congress exceeded its authority to regulate. We can see, therefore, no force in the argument relied upon tested from the point of view of reason, and we come to the question of authority.

It is settled, says the argument, that interstate commerce is divided into two great classes, one embracing subjects which do not exact uniformity and which, although subject to the regulation of Congress, are in the absence of such regulation subject to the control of the several States (*Cooley vs. Port Wardens of Philadelphia*, 12 How., 209), and the other embracing subjects which do require uniformity and which in the absence of regulation by Congress remain free from all State control (*Leisy vs. Hardin*, 135 U. S., 100). As to the first, it is said, Congress may, when regulating, to the extent it deems wise to do so permit State legislation enacted or to be enacted to govern, because to do so would only be to do that which would exist if nothing had been done by Congress. As to the second class, the argument is, that in adopting regulations Congress is wholly without power to provide for the application of State power to any degree whatever, because in the absence of the exertion by Congress of power to regulate, the subject matter would have been free from State control, and because, besides, the recognition of State power under such circumstances would be to bring about a want of uniformity. But granting the accuracy of the two classifications which the proposition states, the limitation upon the power of Congress to regulate which is deduced from the classifications finds no support in the authority relied upon to sustain it. Let us see if this is not the case by examining the authority relied upon. What is that authority? The ruling in *Leisy vs. Hardin*, *supra*. But that case, instead of supporting the contention, plainly refutes it for the follow-

ing reason: Although *Leisy vs. Hardin* declared in express terms that the movement of intoxicants in interstate commerce belonged to that class which was free from all interference by State control in the absence of regulation by Congress, it was at the same time in the most explicit terms declared that the power of Congress to regulate interstate commerce in intoxicants embraced the right to subject such movement to State prohibitions and that the freedom of intoxicants to move in interstate commerce and the protection over it from State control arose only from the absence of congressional regulation and would endure only until Congress had otherwise provided. Thus in that case in pointing out that the movement of intoxicants in interstate commerce was under the control of Congress despite the wide scope of the police authority of the State over the subject, it was said (p. 108): "Yet a subject matter which has been confided exclusively to Congress by the Constitution is not within the jurisdiction of the police power of the State, unless placed there by congressional action." Again, referring to the uniform operation of interstate commerce regulations it was said (p. 109): "Hence, inasmuch as interstate commerce, consisting in the transportation, purchase, sale and exchange of commodities, is national in its character, and must be governed by a uniform system, so long as Congress does not pass any law to regulate it, or allowing the States so to do, it thereby indicates its will that such commerce shall be free and untrammelled." Further the court said (p. 119): "The conclusion follows that, as the grant of the power to regulate commerce among the States, so far as one system is required, is exclusive, the States can not exercise that power without the assent of Congress. * * * Again after pointing out that the question of the prohibition of manufacture and sale of particular articles was a matter of State concern, it was said (p. 123): "But notwithstanding it is not vested with supervisory power over matters of local administration, the responsibility is upon Congress, so far as the regulation of interstate commerce is concerned, to remove the restriction upon the State in dealing with imported articles of trade within its limits, which have not been mingled with the common mass of property therein, if in its judgment the end to be secured justifies and requires such action." And finally, after pointing out that the States had no power to inter-

fere with the movement of goods in interstate commerce before they had been commingled with the property of the State, it was said that this limitation obtained "in the absence of congressional permission" to the State (p. 124).

Thus it follows that although we accept the classification of interstate commerce in intoxicants made in *Leisy vs. Hardin*, we could not accept the contention which is now based upon that classification without in effect overruling that case, or what is equivalent thereto, refusing to give effect to the doctrine of that case announced in terms so certain that there is no room for controversy or contention concerning them. But we would be required to go further than this, since it would result that we would have to shut our eyes to the construction put upon the ruling in *Leisy vs. Hardin* by Congress in legislating when it adopted the Wilson Act and also to practically overrule the line of decisions which we have already referred to sustaining and enforcing that act. Let us see if this is not certain. As we have already pointed out, the very regulation made by Congress in enacting the Wilson Law minimize the evil resulting from violating prohibitions of State law by sending liquor through interstate commerce into a State and selling it in violation of such law was to divest such shipments of their interstate commerce character and to strip them of the right to be sold in the original package free from State authority which otherwise would have obtained. And that Congress had the right to enact this legislation making existing and future State prohibitions applicable, was the express result of the decided cases to which we have referred, beginning with *In re Raher*, supra. As the power to regulate which was manifested in the Wilson Act and that which was exerted in enacting the Webb-Kenyon Law are essentially identical, the one being but a larger degree of exertion of the identical power which was brought into play in the other, we are unable to understand upon what principle we could hold that the one was not a regulation without holding that the other had the same infirmity, a result which, as we have previously said, would reverse *Leisy vs. Hardin* and overthrow the many adjudications of this court sustaining the Wilson Act.

These considerations dispose of the contention, but we do not stop with stating them but recur again to the reason of things for the purpose of pointing out the fundamental error upon which the contention rests. It is this: the mis-

taken assumption that the accidental considerations which cause a subject on the one hand to come under State control in the absence of congressional regulation, and other subjects on the contrary to be free from State control until Congress has acted, are the essential criteria by which to test the question of the power of Congress to regulate and the mode in which the exertion of that power may be manifested. The two things are widely different, since the right to regulate and its scope and the mode of exertion must depend upon the power possessed by Congress over the subject regulated. Following the unerring path pointed out by that great principle we can see no reason for saying that although Congress in view of the nature and character of intoxicants had a power to forbid their movement in interstate commerce, it had not the authority to so deal with the subject as to establish a regulation (which is what was done by the Webb-Kenyon Law) making it impossible for one State to violate the prohibitions of the laws of another through the channels of interstate commerce. Indeed, we can see no escape from the conclusion that if we accepted the proposition urged, we would be obliged to announce the contradiction in terms that because Congress had exerted a regulation lesser in power than it was authorized to exert, therefore its action was void for excess of power. Or, in other words, stating the necessary result of the argument from a concrete consideration of the particular subject here involved, that because Congress in adopting a regulation had considered the nature and character of our dual system of government, State and Nation, and instead of absolutely prohibiting, had so conformed its regulation as to produce co-operation between the local and national forces of government to the end of preserving the rights of all, it had thereby transcended the complete and perfect power of regulation conferred by the Constitution. And it is well again to point out that this abnormal result to which the argument leads concerns a subject as to which both State and Nation in their respective spheres of authority possessed the supremest authority before the action of Congress which is complained of, and hence the argument virtually comes to the assertion that in some undisclosed way by the exertion of congressional authority, power possessed has evaporated.

It is only necessary to point out that the considerations which we have stated dispose of all contentions that the Webb-

Kenyon Act is repugnant to the due process clause of the Fifth Amendment, since what we have said concerning that clause in the Fourteenth Amendment as applied to State power is decisive.

Before concluding we come to consider what we deem to be arguments of inconvenience which are relied upon; that is, the dread expressed that the power by regulation to allow State prohibitions to attach to the movement of intoxicants lays the basis for subjecting interstate commerce in all articles to State control and therefore destroys the Constitution. The want of force in the suggestive inconvenience becomes patent by considering the principle which after all dominates and controls the question here presented; that is, the subject regulated and the extreme power to which that subject may be subjected. The fact that regulations of liquor have been upheld in numberless instances which would have been repugnant to the great guarantees of the Constitution but for the enlarged right possessed by government to regulate liquor, has never that we are aware of been taken as affording the basis for the thought that government might exert an enlarged power as to subjects to which under the constitutional guarantees such enlarged power could not be applied. In other words, the exceptional nature of the subject here regulated is the basis upon which the exceptional power exerted must rest and affords no ground for any fear that such power may be constitutionally extended to things which it may not, consistently with the guarantees of the Constitution, embrace.

Affirmed.

Mr. Justice McReynolds concurs in the result.

Mr. Justice Holmes and Mr. Justice Van Devanter dissent.

A true copy.

Test:

Clerk, Supreme Court, U. S.

BILL AND RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolutions:

H. B. No. 47, "An Act making an emergency appropriation for the support and maintenance of the State Quarantine Station at Brownsville, Texas, and other

points within the State for the remainder of the fiscal year ending August 31, 1917, and declaring an emergency."

H. C. R. No. 1, Providing for counting the vote for Governor and Lieutenant Governor, and for their inauguration.

H. C. R. No. 3, Providing the form for printed bills in the House of Representatives.

H. C. R. No. 4, Relating to location in East Texas of a naval armor plate plant.

MOTION TO RECOMMIT.

Mr. Cope moved to recommit House bill No. 70 to the Committee on State Affairs.

Mr. McCoy moved the previous question on the motion to recommit, and the main question was ordered.

Question then recurring on the motion to recommit, it was lost.

THANKING "THE BROWNSVILLE SENTINEL."

Mr. Carlock offered the following resolution:

Resolved, That the thanks of this House be extended to "The Brownsville Sentinel" and to the citrus industry of Rio Grande valley for affording the members of this body the rare and appreciated privilege of becoming acquainted with the matchless, sun-kissed grapefruit raised in that splendidly favored section of our imperial commonwealth.

Signed—Carlock, White and 140 other members.

The resolution was read second time and was adopted.

PROVIDING COMPENSATION FOR TEMPORARY EMPLOYEE.

Mr. McFarland offered the following resolution:

Resolved, That Miss Mary Moreland be allowed pay for nine days work from Monday, January 15, to the twenty-third at \$5 per day for work in enrolling department.

Signed—McFarland, Hardey, Spradley.

The resolution was read second time and was adopted.

ASSIGNMENT TO STANDING COMMITTEE.

The Speaker announced the appointment of Mr. McCoy as chairman of the Committee on Enrolled Bills in place of Mr. Tillotson.

HOUSE BILL NO. 10 ON ENGROSSMENT.

(Unfinished Business.)

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 10, A bill to be entitled "An Act relating to the legal and conventional or contractual interest rate in the State of Texas, and regulating and limiting the same; providing for the forfeiture of both principal and interest upon any contract made, executed or delivered in violation thereof; providing penalties for the violation of the interest laws of Texas, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

The bill having been read second time on yesterday.

Mr. Bryan moved to recommit the bill to the Committee on Banks and Banking.

Mr. Dunnam moved to table the motion to recommit, and the motion to table was lost.

Mr. Blalock moved the previous question on the motion to recommit, and the main question was ordered.

Question then recurring on the motion to recommit, it prevailed.

HOUSE BILL NO. 32 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 32, A bill to be entitled "An Act to amend Article 3903, Chapter 4, Title 58, of the Revised Civil Statutes of 1911 of the State of Texas, and as amended by Chapter 142 of the Acts of the Regular Session of the Thirty-third Legislature, relating to the appointment of certain officers named in Articles 3881 and 3886 of the Revised Civil Statutes, of deputies or assistants in the performance of the duties of such officers where such assistants or deputies are necessary for the efficiency of the public service; providing for an application to be made by such officers to the county judge of the county for authority to appoint same; prescribing the issuance by the county judge of an order authorizing the appointment of such deputies or assistants; providing that the officer desiring such deputies or assistants shall make affidavit that such assistants or deputies are necessary for the efficiency of the public service; providing for the salary of the chief deputy and the other deputies or assistants; providing that the order of the

county judge granting such authority shall state the number of deputies or assistants; providing that the officer requesting said deputies or assistants shall fix their compensation; providing the maximum amount allowed for deputies in counties having population of 37,500 to 100,000; providing the maximum amount allowed deputies in counties having a population in excess of 100,000; and providing that, in counties in excess of 100,000 inhabitants, district attorneys of any district or county attorney is authorized, with the consent of the county judge of said county, to appoint two assistants in addition to his regular force, which two assistants shall not be required to possess same qualifications required by law for district and county attorneys; providing amount paid said deputies, also providing for fifty dollars per month for necessary expenses, etc."

The bill was read third time.

Question—Shall the bill be passed?

The Clerk was directed to call the roll, and the bill was passed by the following vote:

Yeas—106.

Baker.	Laas.
Beard of Harris.	Lacey.
Beason.	Laney.
Bedell.	Lange.
Bell.	Lanier.
Blackburn.	Lee.
Blackmon.	Lindemann.
Blalock.	Lowe.
Boner.	of McMullen.
Brown.	Low.
Bryan.	of Washington.
Bryant.	McComb.
Burton of Rusk.	McCoy.
Burton of Tarrant.	McMillin.
Cadenhead.	Martin.
Canales.	Mendell.
Carlock.	Metcalf.
Clark.	Miller of Austin.
Cope.	Monday.
Cox.	Moore.
Davis of Grimes.	Morris.
De Bogory.	Murrell.
Dodd.	Neeley.
Dudley.	Neill.
Fisher.	Nichols.
Fitzpatrick.	O'Banion.
Florer.	O'Brien.
Fly.	Osborne.
Greenwood.	Parks.
Haidusek.	Peddy.
Hardey.	Peyton.
Harris.	Pillow.
Hartman.	Poage.
Hawkins.	Pope.
Holland.	Richards.
Hudspeth.	Robertson.
Jones.	Roemer.

Rogers.	Thomason
Russell.	of El Paso.
Sackett.	Thomason
Sallas.	of Nacogdoches.
Sentell.	Thompson
Schlosshan.	of Hunt.
Seawright.	Thompson
Sholars.	of Red River.
Smith of Bastrop.	Tillotson.
Smith of Hopkins.	Trayler.
Smith of Scurry.	Tschoepe.
Spencer of Nolan.	Valentine.
Spencer of Wise.	Veatch.
Spradley.	Walker.
Stewart.	Williams
Swope.	of Brazoria.
Taylor.	Williford.
Templeton.	Wilson.
Thomas.	Woods.
	Yantis.

Nays—10.

Bertram.	McDowra.
Butler.	Meador.
Crudgington.	Raiden.
Davis of Dallas.	Reeves.
Davis	Tilson.
of Van Zandt.	

Present—Not Voting.

Johnson.	Upchurch.
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Absent.

Bagby.	Strayhorn.
Beard of Milam.	Terrell.
Denton.	White.
Dunnam.	Williams
McFarland.	of McLennan.

Absent—Excused.

Beasley.	Miller of Dallas.
Bland.	Nordhaus.
Bledsoe.	Schlesinger.
Cates.	Scholl.
Estes.	Tinner.
Fairchild.	Wahrmund.
Hill.	Woodul.

HOUSE BILL NO. 21 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 21, A bill to be entitled "An Act fixing the salaries of judges of the Supreme Court and the Court of Criminal Appeals and the judges of the Courts of Civil Appeals and of the district courts of this State, and declaring an emergency."

The bill was read second time.

Mr. Martin offered the following amendment to the bill:

Amend House bill No. 21 by striking out of lines 18 and 19 the following: "Thirty-six hundred dollars (\$3600)" and inserting in lieu thereof the following: "Four thousand dollars (\$4000)."

The amendment was lost.

Mr. Cox offered the following amendment to the bill:

Amend House bill No. 21 by striking out the enacting clause.

Question—Shall the amendment be adopted?

On motion of Mr. Robertson, further consideration of the bill was postponed until 10 o'clock a. m. next Tuesday, January 30.

HOUSE BILL NO. 38 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 38, A bill to be entitled "An Act to amend Articles 1521, 1522, 1543, 1544 and 1526 of the Revised Civil Statutes of 1911, as amended by the Acts of the Thirty-third Legislature, approved March 28, 1913, defining the original and appellate jurisdiction of the Supreme Court, and regulating the practice therein."

The bill was read second time.

Mr. Carlock offered the following (committee) amendment to the bill:

Amend by adding after subdivision (5) of Section 1:

"(6) In any case in which it is made to appear that an error of law has been committed by the Court of Civil Appeals of such importance to the jurisprudence of the State as, in the opinion of the Supreme Court, to require immediate correction. Upon the showing of such an error, the Supreme Court may, in its discretion, grant a writ of error for the purpose of revising the decision upon such question alone, and of conforming its judgment to the decision thereof made by it. Until otherwise provided by rule of the Supreme Court, the application for writ of error in such a case shall, immediately after the title of the cause and the address to the court, concisely state the question decided by the Court of Civil Appeals in which error is asserted, in order that the Supreme Court may at once see that such a question is presented as is contemplated by this provision. This shall be followed by only such brief and general statement as may be necessary to show that the question was involved in the

cause and in the decision of the Court of Civil Appeals. More than one question may be presented in the same application, all being stated in order as above stated."

The (committee) amendment was adopted.

Mr. Carlock offered the following amendments to the bill:

(1)

Amend Section 6 of committee amendment, page 3, at line 8, after the word "appeals" by adding the following: "In any case other than those in which the jurisdiction of the Court of Civil Appeals is final."

(2)

Amend the bill at page 1, line 28, after the word "construction," by striking out "of" and inserting the word "or."

(3)

Amend page 2, line 8, by adding after the word "grant" the words "or refuse." The amendments were severally adopted.

House bill No. 38 was then passed to engrossment.

Mr. Carlock moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 39 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 39, A bill to be entitled "An Act to relieve the crowded condition of the dockets of the Supreme Court by further regulating the mode in which, and the conditions on which, judgments of the Courts of Civil Appeals may be brought before the Supreme Court for revision, granting additional powers to the Chief Justice and Associate Justices of the Supreme Court and of the Courts of Civil Appeals, as incidental to the offices held by them; providing for compensation of certain justices of the Courts of Civil Appeals while acting as herein provided; and declaring an emergency."

The bill was read second time.

Mr. Carlock moved to postpone further consideration of the bill until 10 o'clock a. m. next Tuesday, January 30.

The motion to postpone prevailed.

HOUSE BILL NO. 40 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 40, A bill to be entitled "An Act making it a misdemeanor to kill or in any manner injure the winged quadruped known as the common bat, repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time and was passed to engrossment.

HOUSE BILL NO. 42 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 42, A bill to be entitled "An Act to amend Section 116 of Chapter 96, Acts of the Regular Session of the Thirty-second Legislature, providing for the granting of teachers' certificates, and declaring an emergency."

The bill was read second time.

On motion of Mr. Hawkins, the bill was laid upon the table subject to call.

HOUSE BILL NO. 43 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 43, A bill to be entitled "An Act to amend Sections 1 and 2 of Chapter 20 of the Acts of the First Called Session of the Thirty-fourth Legislature of Texas, 1915, relating to the pay of jail guards, and declaring an emergency."

The bill was read second time.

On motion of Mr. Pillow, further consideration of the bill was postponed until 10 o'clock a. m. next Tuesday, January 30.

HOUSE BILL NO. 49 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 49, A bill to be entitled "An Act to amend Section 6 of Chapter 41, of the Special Laws of the Regular Session of the Twenty-seventh Legislature, entitled 'An Act to create a more efficient road system for Coryell county, Texas, etc.,' as the same was amended by an act of the Thirtieth Legislature, known as House bill No. 339, and as the

same was amended by Chapter 62 of the Regular Session of the Thirty-fourth Legislature; providing that any citizen of Coryell county liable to road duty who shall pay to the county treasurer the sum of three dollars by the second Tuesday in February of each year shall be exempt from road duty for such year, and providing that any person liable to road duty who fails to pay such tax shall be required to pay the sum of one dollar for every day he fails to appear and work the road, and declaring an emergency."

The bill was read second time.

On motion of Mr. Metcalfe, the bill was laid upon the table subject to call.

ADJOURNMENT.

On motion of Mr. Templeton, the House, at 11:50 o'clock a. m., adjourned until 2 p. m. next Monday.

APPENDIX.

REPORT OF COMMITTEE ON CONSTITUTIONAL AMENDMENTS.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Constitutional Amendments, to whom was referred H. J. R. No. 31, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, Mr. De Bogory has been appointed to make a full report thereon.

BONER, Vice-Chairman.

REPORTS OF COMMITTEE ON CRIMINAL JURISPRUDENCE.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred H. E. No. 463, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass, with committee amendment. Mr. Thompson of Red River has been appointed to make a full report thereon.

FISHER, Vice-Chairman.

Committee Room,
Austin, Texas, January 24, 1917.
Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Criminal Jurisprudence, to whom was referred H. B. No. 430, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

FISHER, Vice-Chairman.

REPORT OF COMMITTEE ON EDUCATION.

Committee Room,
Austin, Texas, January 27, 1917.
Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Education, to whom was referred House bill No. 474, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass.

THOMASON of Nacogdoches, Chairman.

REPORTS OF COMMITTEE ON JUDICIAL DISTRICTS.

Committee Room,
Austin, Texas, January 26, 1917.
Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 478, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Smith of Scurry has been appointed to make a full report thereon.

TEMPLETON, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.
Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Judicial Districts, to whom was referred House bill No. 452, have had the same under consideration and I am instructed to report the same back to the House with the recommendation that it do pass. Mr. Beard of Milam has been appointed to make a full report thereon.

TEMPLETON, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.
Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Judicial

Districts, to whom was referred House bill No. 393, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with amendments. Mr. Smith of Scurry has been appointed to make a full report thereon.

TEMPLETON, Chairman.

REPORT OF COMMITTEE ON IRRIGATION.

Committee Room,
Austin, Texas, January 26, 1917.
Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Irrigation, to whom was referred House bill No. 238, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass, with committee amendment. Mr. Hardey has been appointed to make a full report thereon.

CANALES, Chairman.

REPORTS OF JUDICIARY COMMITTEE.

Committee Room,
Austin, Texas, January 26, 1917.
Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Judiciary Committee, to whom was referred House bill No. 367, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Thompson of Red River has been appointed to make a full report thereon.

BRYANT, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.
Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Judiciary Committee, to whom was referred House bill No. 431, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

BRYANT, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.
Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Judiciary Committee, to whom was referred House bill No. 445, have had the same under consideration

and I am instructed to report it back to the House with the recommendation that it do not pass.

BRYANT, Chairman.

REPORTS OF COMMITTEE ON LABOR.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Labor, to whom was referred House bill No. 83, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Burton of Tarrant has been appointed to make a full report thereon.

TAYLOR, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Labor, to whom was referred House bill No. 435, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass, because the subject is covered by House bill No. 83.

TAYLOR, Chairman.

REPORTS OF COMMITTEE ON PENITENTIARIES.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Penitentiaries, to whom was referred House bill No. 128, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Reeves has been appointed to make a full report thereon.

HOLLAND, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Penitentiaries, to whom was referred House bill No. 1, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr.

Raiden was been appointed to make a full report thereon.

HOLLAND, Chairman.

REPORTS OF COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS.

Committee Room,
Austin, Texas, January 27, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Privileges, Suffrage and Elections, to whom was referred H. B. No. 442, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

CLARK, Chairman.

Committee Room,
Austin, Texas, January 27, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Privileges, Suffrage and Elections, to whom was referred H. B. No. 379, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

CLARK, Chairman.

REPORT OF COMMITTEE ON REFORMS IN CRIMINAL PROCEDURE.

Committee Room,
Austin, Texas, January 25, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Criminal Procedure, to whom was referred H. B. No. 427, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Haidusek has been appointed to make a full report thereon.

SPENCER of Wise, Chairman.

REPORTS OF COMMITTEE ON REFORMS IN CIVIL PROCEDURE.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 309, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Reforms in
Civil Procedure, to whom was referred
House bill No. 84, have had the same
under consideration and I am instructed
to report it back to the House with the
recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Reforms in
Civil Procedure, to whom was referred
House bill No. 110, have had the same
under consideration and I am instructed
to report it back to the House with the
recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Reforms in
Civil Procedure, to whom was referred
House bill No. 198, have had the same
under consideration and I am instructed
to report it back to the House with the
recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Reforms in
Civil Procedure, to whom was referred
House bill No. 201, have had the same
under consideration and I am instructed
to report it back to the House with the
recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Reforms in
Civil Procedure, to whom was referred
House bill No. 221, have had the same
under consideration, and I am instructed
to report it back to the House with the
recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Reforms in
Civil Procedure, to whom was referred
House bill No. 224, have had the same
under consideration, and I am instructed
to report it back to the House with the
recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Reforms in
Civil Procedure, to whom was referred
House bill No. 285, have had the same
under consideration, and I am instructed
to report it back to the House with the
recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Reforms in
Civil Procedure, to whom was referred
House bill No. 307, have had the same
under consideration, and I am instructed
to report it back to the House with the
recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Reforms in
Civil Procedure, to whom was referred
House bill No. 480, have had the same
under consideration, and I am instructed
to report it back to the House with the
recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Reforms in
Civil Procedure, to whom was referred
House bill No. 415, have had the same
under consideration, and I am instructed
to report it back to the House with the
recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 411, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 403, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred H. B. No. 336, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred H. B. No. 334, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred H. B. No. 315, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred H. B. No. 314, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred H. B. No. 313, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred H. B. No. 312, have had the same under consideration, and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 311, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 310, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 396, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 458, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Williford has been appointed to make a full report thereon.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 180, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Moore has been appointed to make a full report thereon.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 468, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Schlosshan has been appointed to make a full report thereon.

CARLOCK, Chairman.

Committee Room,
Austin, Texas, January 24, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Reforms in Civil Procedure, to whom was referred House bill No. 141, have had the same

under consideration and I am instructed to report it back to the House with the recommendation that it do pass. Mr. Spencer of Nolan has been appointed to make a full report thereon.

CARLOCK, Chairman.

REPORT OF COMMITTEE ON STATE AFFAIRS.

Committee Room,
Austin, Texas, January 27, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on State Affairs, to whom was referred House bill No. 170, have had the same under consideration and I am instructed to report it back to the house with the recommendation that it do pass. Mr. Tillotson has been appointed to make a full report thereon.

HAWKINS, Vice-Chairman.

REPORT OF COMMITTEE ON ASYLUMS.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Asylums, to whom was referred House bill No. 143, have had the same under consideration and I am instructed to report it back to the House with the recommendation that it do not pass.

NEELEY, Chairman.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bill have carefully examined and compared

H. B. No. 358, A bill to be entitled "An Act to establish the Pampa Independent School District with certain boundaries, including the town of Pampa, Gray county, Texas, with all the powers and privileges of independent school districts, to manage and control the public schools of the same, to elect trustees therefor, to levy and collect taxes for the maintenance of said schools, to issue bonds, and declaring an emergency."

And find the same correctly engrossed.

RUSSELL, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Engrossed
Bills have carefully examined and compared

H. B. No. 299, A bill to be entitled
"An Act creating the Sinton Independent
School District, known as Common
School District No. 1, in San Patricio
county, Texas, and including within its
limits the municipal corporation of the
town of Sinton; defining its boundaries,
and to provide for the creating of a
board of trustees thereof and authorizing
the board of trustees to levy, assess
and collect special taxes, and conferring
upon the board of trustees plenary powers,
and providing authority to issue
bonds for the purpose of purchasing
school sites and erecting, furnishing and
equipping school building, within the
same, and to levy a tax therefor, and
to pay current expenses for the main-
tenance and support of said schools;
providing for a board of equalization
and prescribing the duty and authority
of said board, and further prescribing
the duty and authority of the board of
trustees; declaring valid an issue of
bonds heretofore made; declaring valid
a maintenance tax heretofore voted, and
repealing all laws in conflict herewith
is so far as they conflict with this act,
and declaring an emergency."

And find the same correctly engrossed.
RUSSELL, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Engrossed
Bills have carefully examined and compared

H. B. No. 271, A bill to be entitled
"An Act to create a more efficient road
system for Hopkins county; making the
county commissioners of said county
road commissioners, and prescribing the
duties as such, etc.; providing for over-
seers or road keepers, etc.; providing
for the employment of county convicts
and their compensation; providing for
the employment of delinquent poll tax-
payers and a penalty for their failure
to work on county roads of Hopkins
county; providing that this act shall
take the place of and repeal all other
special road tax laws heretofore passed
for the benefit of Hopkins county public
roads, and declaring an emergency."

And find the same correctly engrossed.
RUSSELL, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Engrossed
Bills have carefully examined and compared

H. B. No. 32, A bill to be entitled
"An Act to amend Article 3903, Chap-
ter 4, Title 58, of the Revised Civil Stat-
utes of 1911 of the State of Texas, and
as amended by Chapter 142 of the Acts
of the Regular Session of the Thirty-
third Legislature, relating to the ap-
pointment of certain officers named in
Articles 3881 and 3886 of the Revised
Civil Statutes, of deputies or assistants
in the performance of the duties of such
officers where such assistants or depu-
ties are necessary for the efficiency of
the public service; providing for an ap-
plication to be made by such officers to
the county judge of the county for au-
thority to appoint same; prescribing the
issuance by the county judge of an or-
der authorizing the appointment of such
deputies or assistants; providing that
the officer desiring such deputies or as-
sistants shall make affidavit that such
assistants or deputies are necessary for
the efficiency of the public service; pro-
viding for the salary of the chief depu-
ty and the other deputies or assist-
ants; providing that the order of the
county judge granting such authority
shall state the number of deputies or
assistants; providing that the officer re-
questing said deputies or assistants shall
fix their compensation; providing the
maximum amount allowed for deputies in
counties having population of 37,500 to
100,000; providing the maximum amount
allowed deputies in counties having a
population in excess of 100,000; and pro-
viding that, in counties in excess of 100,
000 inhabitants, district attorneys of any
district or county attorney is authorized,
with the consent of the county judge of
said county, to appoint two assistants in
addition to his regular force, which two
assistants shall not be required to pos-
sess same qualifications required by law
for district and county attorneys; pro-
viding amount paid said deputies, also
providing for fifty dollars per month for
necessary expenses, etc."

And find the same correctly engrossed.
RUSSELL, Chairman.

Committee Room,
Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House
of Representatives.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

H. J. R. No. 20, Proposing to amend Sections 1, 2, 4, 5, 22 and 23, Article 4, of the Constitution of the State of Texas, changing the term of State officers from two to four years, fixing the salary of said officers, naming the time for said elections, and making appropriation to pay expenses of said election,

And find the same correctly engrossed.

RUSSELL, Chairman.

Committee Room,

Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 57, A bill to be entitled "An Act to amend Chapter 60 of the Acts of the Thirty-third Legislature, passed at its Regular Session and approved March 20, 1913, providing for a special road law for Hunt county, etc., and declaring an emergency."

And find the same correctly engrossed.

RUSSELL, Chairman.

Committee Room,

Austin, Texas, January 26, 1917.

Hon. F. O. Fuller, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. J. R. No. 1, Proposing to amend the Constitution of the State of Texas by amending Article 16, Section 20, thereof by striking out and repealing said section, and substituting in lieu thereof a new Section 20, prohibiting the manufacture for purposes of sale, barter or exchange, and the sale, barter and exchange of intoxicating liquors, on and after the first day of March, A. D. 1918, within this State, except for medicinal, scientific, fuel and sacramental purposes, and providing that the Legislature of the State of Texas shall at noon on the first day of March, A. D. 1918, by authority of this section, meet in session in the city of Austin and pass efficient laws to enforce this section; providing further, that this section shall not prevent any session of the Legislature from passing any law to enforce the same; and providing further, that all laws in force when this amendment is adopted, providing penalties or forfeitures in relation to the manufacture, sale or transportation of intoxicating liquors, shall remain in full force and effect until modified or repealed; fixing the time for the election for the adoption or rejection of said proposed constitutional amendment, directing a proclamation therefor and making certain provisions for said election and the ballots thereof, and method of voting; prescribing certain duties for the Governor of this State, and making an appropriation to defray the expenses of said election,

And find the same correctly engrossed.

RUSSELL, Chairman.

SEVENTEENTH DAY.

(Monday, January 29, 1917.)

The House met at 2 o'clock p. m., pursuant to adjournment.

(Speaker Fuller in the chair.)

The roll was called and the following members were present:

Bagby.	Fly.
Baker.	Greenwood.
Beard of Harris.	Haidusek.
Beasley.	Harris.
Beason.	Hartman.
Bedell.	Hawkins.
Bell.	Holland.
Bertram.	Hudspeth.
Blackburn.	Jones.
Blackmon.	Laas.
Blalock.	Lacey.
Bledsoe.	Laney.
Boner.	Lange.
Brown.	Lanier.
Bryan.	Lee.
Bryant.	Low.
Burton of Rusk.	of Washington.
Burton of Tarrant.	McComb.
Butler.	McCoy.
Cadenhead.	McDowra.
Canales.	McFarland.
Carlock.	McMillin.
Cates.	Martin.
Clark.	Meador.
Cope.	Mendell.
Cox.	Metcalfe.
Crudgington.	Miller of Austin.
Davis of Dallas.	Moore.
Davis of Grimes.	Morris.
Davis.	Murrell.
of Van Zandt.	Neeley.
De Bogory.	Neill.
Denton.	Nichols.
Dodd.	Nordhaus.
Dudley.	O'Banion.
Estes.	O'Brien.
Fisher.	Osborne.
Fitzpatrick.	Parks.
Florer.	Peddy.